
From: Eric Schaffer
Sent: Tuesday, May 16, 2023 5:51 PM CDT
To: Rukavina, Davor
Subject: RE: [EXT] Amended Docs

Are you agreed on removing “close call”? Thanks.

From: Eric Schaffer
Sent: Tuesday, May 16, 2023 12:45 PM
To: Rukavina, Davor <drukavina@munsch.com>
Cc: Funk, Brenda <bfunk@munsch.com>; 'Berghman, Thomas' <tberghman@munsch.com>; Silverstein, Paul <PaulSilverstein@andrewskurth.com>; Clarke, Brian <BrianClarke@andrewskurth.com>; Guffy, Philip <PGuffy@hunton.com>
Subject: RE: [EXT] Amended Docs

Just one comment, Davor. The proposed change to paragraph 16, quoted below, invites a deposition of the Trustee. The Judge may permit discovery, but the Trustee should not be making a statement that opens the door. I appreciate that you and your client may view this as a “close call” and therefore something to be settled, but there is no need to say that in the pleadings and it could slow a process that we agree should be moving expeditiously.

the automatic stay. The Trustee has reviewed the loan and security documents regarding the interests of the Indenture Trustee and the Collateral Agent with respect to the Subject Funds, and has concluded that, while the Subject Funds are property of the Estate, the Collateral Agent holds valid, perfected, unavoidable first priority security interests in the Subject Funds, although it is a close call (and hence part of the reason for the Proposed Settlement), and that the claims of the holders of the Notes secured by the Subject Funds exceed the amount of the Subject Funds.

Thanks,
Eric

From: Rukavina, Davor <drukavina@munsch.com>
Sent: Tuesday, May 16, 2023 12:17 PM
To: Argeroplos, Victoria <vargeroplos@jw.com>; Eric Schaffer <eschaffer@stonecipherlaw.com>; Guffy, Philip <PGuffy@hunton.com>; Silverstein, Paul <PaulSilverstein@andrewskurth.com>
Cc: Berghman, Thomas <tberghman@munsch.com>; Funk, Brenda <bfunk@munsch.com>
Subject: [EXT] Amended Docs

Counsel, please see attached and advise. I would like to get filed today.

Thank you

Exhibit
Trustee 0024

Davor Rukavina, Esq.

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